

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEANDER J. GREGG,

Plaintiff,

v.

THE STATE OF WISCONSIN, et al.,

Defendant.

ORDER

19-cv-133-bbc

On February 19, 2019, I entered an order giving plaintiff LeAnder J. Gregg until March 12, 2019, to submit the \$2.63 initial partial payment of the \$350.00 fee for filing this case. Now Gregg has filed letter indicating that he does not have the funds to pay the \$2.63 initial partial payment. Dkt. 5.

Based on the documentation that Gregg has provided to the court, it appears that Gregg presently has no means with which to pay the filing fee or to make an initial partial payment. Under these circumstances, Gregg is not required to make an initial partial payment. 28 U.S.C. § 1915(b)(4). *See also Sultan v. Fenoglio*, 775 F.3d 888, 890 (7th Cir. 2015) (concluding that prisoner had no means to pay initial partial payment when prisoner administrators failed to comply with prisoner's request to forward payment to the court). But Gregg is advised that the full \$350 filing fee for indigent litigants remains Gregg's obligation, even if this court ultimately determines that Gregg's complaint cannot go forward. *See* 28 U.S.C. § 1915A.

Because Gregg is an inmate, Gregg is subject to the Prison Litigation Reform Act, which requires the court to screen the complaint to determine whether any portion is frivolous or

malicious, fails to state a claim on which relief may be granted or seeks monetary relief from a defendant who is immune from such relief.

ORDER

IT IS ORDERED that:

1. I find that plaintiff LeAnder J. Gregg has no means to pay his initial partial payment of the filing fee. However, Gregg remains responsible for paying the \$350 filing fee.
2. No further action will be taken in this case until the court has screened the complaint as required by the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2). Once the screening process is complete, a separate order will issue.

Entered this 5th day of March, 2019.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge